

IN THE UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF PENNSYLVANIA

Nicki M. Todaro,	:	Case No. 19-23010 CMB
	:	
Debtor.	:	
	:	Chapter No. 13
Nicki M. Todaro,	:	
	:	
Plaintiff,	:	Adversary No. 20-_____
	:	
vs.	:	
	:	
Wells Fargo Bank, N.A.,	:	
	:	
Defendant.	:	

COMPLAINT TO DETERMINE SECURED STATUS

Debtor, Nicki M. Todaro, through her attorneys, Zebbley Mehalov & White, P.C., and Daniel

R. White, Esquire, files the following complaint and respectfully represents as follows:

1. Plaintiff/Debtor, Nicki M. Todaro, (“Debtor”), has filed for relief under Chapter 13 of the United States Bankruptcy Code.
2. Defendant, Wells Fargo Bank, N.A., (“Defendant”), loaned money to Debtor and has a mortgage on Debtor’s real estate, known locally as 736 Second Street, Newell, Pennsylvania, (the “premises”), in the approximate amount of \$69,190.00 by mortgage dated August 11, 2009, and recorded in the Office of the Recorder of Deeds of Fayette County in Record Book 3102, Page 731/Instrument No. 200900009878.
3. Defendant has filed secured proof of claim, No. 1, in the amount of \$55,746.61, listing a mortgage interest in the premises.
4. The premises is Debtor’s primary residence, has a current appraised market value of \$38,500.00 and is subject to these liens prior to Defendant’s mortgage: a first mortgage in favor of PNC Mortgage in the amount of \$54,938.00 (POC #12).
5. Debtor has filed a Chapter 13 plan proposing to pay PNC Mortgage its normal monthly payment plus cure appropriate arrears, and to pay Defendant as a general unsecured creditor.
6. This is a core proceeding under the Bankruptcy Code. As required by Fed. R. Bankr. P. 7008, the Plaintiff/Debtor does consent to entry of final orders or judgment by the Bankruptcy Court.

WHEREFORE, Debtor requests the court to determine under 11 U.S.C. §506(d) that Debtor's premises has a market value of \$38,500.00, subject to a senior mortgage in favor of PNC Mortgage in the amount of \$54,938.00, and that Defendant's junior mortgage is completely unsecured.

ZEBLEY MEHALOV & WHITE, P.C.  
BY

/s/ Daniel R. White  
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